



Bureau of Waste Management

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES

Post Office Box 2063
Harrisburg, Pennsylvania 17120

August 18, 1988

(717) 783-7513

Bruce Smith, Chief
Hazardous Waste Enforcement Branch
U.S. EPA, Region III
841 Chestnut Building
Philadelphia, PA 19107

Dear Mr. Smith:

The purpose of this letter is to confirm certain facts and relay the Commonwealth's position on the Butler Mine Tunnel Superfund Site.

It is our understanding that the responsible parties stand ready to sign the Consent Order and begin the RI/FS. It is also our understanding that the current delay in signing the agreement is based on the responsible parties concerns relative to a mine flushing project being conducted by the Department of Environmental Resources with funding from the federal Office of Surface Mining.

During our telephone conversation last week, you requested a delay in the mine flushing project in order to accommodate a request from the responsible parties to begin their RI/FS sampling in the Butler Colliery prior to initiation of the mine flushing operation in the Heidelberg Colliery. The Commonwealth would be willing to consider such a delay in order to further demonstrate our interest in affecting a permanent remedy at the Butler Mine Tunnel Superfund site. However, because of delays already experienced in the mine flushing operation and our agreement with the mine flushing contractor, we would not be able to delay start of the flushing project past August 29, 1988.

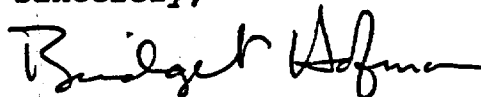
Any further extension would be predicated on: (1) a detailed schedule being provided by the responsible parties that would demonstrate their commitment for action on an expedited timetable, (2) the signing of the Consent Order to complete the RI/FS, and (3) reimbursement of the penalty the Commonwealth will incur for delaying the mine-flushing contractor's work effort.

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In a related matter, the Commonwealth will not be able to attend a meeting planned by the responsible parties for August 19 in Washington, D.C., because of scheduling conflicts with our project officer and supervisory personnel.

We request confirmation of the facts presented above concerning the progress of negotiations on the Consent Order, and a response from your office on the actions that would be needed for DER to consider any further extension of the mine flushing delay. Your response is needed by August 24, 1988, in order to continue the current hold on the mine flushing project.

Sincerely,



Bridget Hofman
Acting Chief
Division of Emergency and
Remedial Response

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